

Senate File 2361 - Introduced

SENATE FILE 2361

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2254)

(SUCCESSOR TO SF 2166)

A BILL FOR

1 An Act providing for the regulation of commercial
2 establishments keeping nonagricultural animals, providing
3 for fees and appropriations, and making penalties
4 applicable.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 162.1, subsection 1, paragraph c, Code
2 2014, is amended to read as follows:

3 c. Provide that all ~~vertebrate~~ animals consigned to pet
4 shops are provided humane care and treatment by regulating the
5 transportation, sale, purchase, housing, care, handling, and
6 treatment of such animals by pet shops.

7 Sec. 2. Section 162.2, subsections 5, 6, 14, 15, 16, 17,
8 18, 23, 25, 26, and 27, Code 2014, are amended by striking the
9 subsections.

10 Sec. 3. Section 162.2, subsections 3 and 10, Code 2014, are
11 amended to read as follows:

12 3. "*Animal shelter*" means a facility which is used to
13 receive, rescue, house or contain dogs or cats, or both, and
14 transfer animals and which is owned, operated, or maintained by
15 an incorporated humane society, animal welfare society, society
16 for the prevention of cruelty to animals, or other nonprofit
17 organization devoted to the welfare, protection, and humane
18 treatment of such animals.

19 10. a. "*Commercial kennel*" means a kennel which performs
20 grooming, boarding, or training services for dogs or cats in
21 return for a consideration.

22 b. "*Commercial kennel*" does not include a kennel in which
23 a dog or cat remains in the custody of the owner of the dog or
24 cat.

25 Sec. 4. Section 162.2, Code 2014, is amended by adding the
26 following new subsections:

27 NEW SUBSECTION. 2A. "*Animal*" means vertebrate animal other
28 than members of the equine, bovine, ovine, and porcine species,
29 and ostriches, rheas, emus, and poultry.

30 NEW SUBSECTION. 16A. "*License*" means an authorization to
31 operate a commercial establishment as provided in this chapter
32 regardless of whether the authorization is also referred to as
33 a permit or certificate of registration.

34 NEW SUBSECTION. 16B. "*Licensee*" means an animal shelter,
35 boarding kennel, commercial breeder, commercial kennel, dealer,

1 pet shop, pound, or public auction who must operate pursuant
2 to a license issued and renewed by the department pursuant to
3 section 162.2A.

4 NEW SUBSECTION. 16C. "*Local authority*" means the same as
5 defined in section 717B.1.

6 Sec. 5. Section 162.2, subsection 19, Code 2014, is amended
7 to read as follows:

8 19. "*Pet shop*" means an establishment where a dog, cat,
9 rabbit, rodent, nonhuman primate, fish other than live bait,
10 bird, or other vertebrate animal is bought, sold, exchanged,
11 or offered for sale. However, a pet shop does not include an
12 establishment if one of the following applies:

13 a. The establishment receives less than five hundred dollars
14 from the sale or exchange of vertebrate animals during a
15 twelve-month period.

16 b. The establishment sells or exchanges less than six
17 animals during a twelve-month period.

18 Sec. 6. Section 162.2A, subsections 1, 2, 4, and 5, Code
19 2014, are amended to read as follows:

20 1. The department shall provide for the ~~operation of~~
21 issuance or renewal of a license to operate a commercial
22 establishment ~~by issuing or renewing an authorization,~~
23 ~~including any of the following:.~~

24 a. ~~A certificate of registration for a pound, animal~~
25 ~~shelter, or research facility.~~

26 b. ~~A state license for a boarding kennel, commercial kennel,~~
27 ~~or pet shop.~~

28 c. ~~A state license or permit for a commercial breeder,~~
29 ~~dealer, or public auction. A federal licensee must apply for~~
30 ~~and be issued either a permit or a state license in lieu of a~~
31 ~~permit.~~

32 2. a. A person must be issued a separate license for
33 each class of commercial establishment, including for one or
34 more animal shelters, boarding kennels, commercial breeders,
35 commercial kennels, dealers, pet shops, pounds, public

1 auctions, or research facilities.

2 b. A person must be issued a ~~separate state license,~~
3 ~~certificate of registration, or permit for each~~ all commercial
4 ~~establishment~~ establishments of the same class owned or
5 operated by the person.

6 4. The ~~authorization~~ license expires on an annual basis
7 as provided by the department, and must be renewed by the
8 commercial establishment on an annual basis on or before the
9 ~~authorization's~~ license's expiration date.

10 5. ~~a.~~ A commercial establishment applying for the issuance
11 ~~or renewal of a permit shall provide the department with proof~~
12 ~~that the person is a federal licensee.~~

13 ~~b.~~ The department shall not require that it must enter onto
14 the premises of a commercial establishment in order to issue a
15 permit. The department shall not require that it must enter
16 onto the premises of a commercial establishment in order to
17 renew a permit, unless it has reasonable cause to monitor the
18 commercial establishment as provided in section 162.10C. The
19 department may deny an application for the issuance or renewal
20 of a license, if the department determines that the applicant
21 is in violation of this chapter or has not demonstrated that
22 the applicant will comply with the provisions of this chapter.

23 Sec. 7. Section 162.2A, subsection 3, unnumbered paragraph
24 1, Code 2014, is amended to read as follows:

25 A person must apply for the issuance or renewal of an
26 ~~authorization~~ a license on forms and according to procedures
27 required by rules adopted by the department. The application
28 shall contain information required by the department, including
29 but not limited to all of the following:

30 Sec. 8. Section 162.2A, subsection 3, paragraph c, Code
31 2014, is amended to read as follows:

32 c. The name, address, and type of establishment covered by
33 the ~~authorization~~ license.

34 Sec. 9. Section 162.2B, Code 2014, is amended by striking
35 the section and inserting in lieu thereof the following:

1 **162.2B Fees.**

2 1. The department shall establish, assess, and collect
3 fees for issuing or renewing a license as provided in section
4 162.2A. The fee assessed under this section shall include a
5 base amount plus any applicable scheduled amount.

6 2. *a.* For an animal shelter, the base amount equals
7 seventy-five dollars.

8 *b.* An animal shelter shall not be assessed a scheduled
9 amount.

10 *c.* A single base amount shall be assessed for all locations
11 owned or operated by the animal shelter.

12 3. *a.* For a pound, the base amount equals seventy-five
13 dollars.

14 *b.* A pound shall not be assessed a scheduled amount.

15 *c.* A single base amount shall be assessed for all locations
16 owned or operated by the pound.

17 4. *a.* For a research facility, the base amount equals
18 seventy-five dollars.

19 *b.* A research facility shall not be assessed a scheduled
20 amount.

21 *c.* A single base amount shall be assessed for all locations
22 owned or operated by the research facility.

23 5. *a.* For a commercial breeder whose license is a special
24 type of license reserved for small breeders, competitive show
25 breeders, or specialized breeders, the base amount equals one
26 hundred dollars.

27 *b.* A commercial breeder whose license is reserved as a
28 special type of license as described in paragraph "a" shall not
29 be assessed a scheduled amount.

30 *c.* A single base amount shall be assessed for all locations
31 owned or operated by the commercial breeder whose license is
32 reserved as a special type of license as described in paragraph
33 "a".

34 6. *a.* For a commercial breeder whose license is not
35 reserved as a special type of license as provided in subsection

1 5, the base amount equals one hundred seventy-five dollars and
2 the scheduled amount is computed by calculating the number of
3 dogs and cats kept by the commercial breeder as follows:

4 (1) For not more than fifty dogs and cats, seventy-five
5 dollars.

6 (2) For more than fifty dogs and cats but not more than
7 seventy-five dogs and cats, two hundred fifty dollars.

8 (3) For more than seventy-five dogs and cats but not more
9 than one hundred dogs and cats, eight hundred dollars.

10 (4) For more than one hundred dogs and cats but not more
11 than two hundred fifty dogs and cats, two thousand five hundred
12 dollars.

13 (5) For more than two hundred fifty dogs and cats but not
14 more than four hundred dogs and cats, five thousand dollars.

15 (6) For more than four hundred dogs and cats, seven thousand
16 five hundred dollars.

17 *b.* A dog or cat is included in the calculation under
18 paragraph "a" if the dog or cat is recorded as an adult on
19 hand for breeding during the most recent inspection of the
20 commercial breeder by the department of agriculture and land
21 stewardship or the United States department of agriculture.

22 *c.* Notwithstanding paragraph "b", a greyhound dog owned,
23 kept, bred, or transported by a commercial breeder for
24 pari-mutuel wagering at a racetrack as provided in chapter 99D
25 is not included in the calculation. Rather the commercial
26 breeder shall pay a different fee for the issuance or renewal
27 of a license as provided in rules adopted by the department.

28 *d.* A base amount shall be assessed for each location owned
29 or operated by the commercial breeder. The scheduled amount
30 shall be assessed for the total number of dogs or cats kept at
31 all locations owned or operated by the commercial breeder.

32 7. *a.* For a pet shop, the base amount equals one hundred
33 seventy-five dollars and the scheduled amount is computed by
34 calculating the number of dogs and cats kept by the pet shop as
35 follows:

1 (1) For at least one dog or cat but not more than twenty
2 dogs and cats, one hundred dollars.

3 (2) For more than twenty dogs and cats but not more than
4 forty dogs and cats, two hundred fifty dollars.

5 (3) For more than forty dogs and cats, five hundred dollars.

6 *b.* A dog or cat is included in the calculation under
7 paragraph "a" if the dog or cat is recorded as on hand for sale
8 to the general public during the most recent inspection of the
9 pet shop by the department.

10 *c.* A base amount shall be assessed for each location owned
11 or operated by the pet shop. The scheduled amount shall be
12 assessed for the total number of dogs or cats kept at all
13 locations owned or operated by the pet shop.

14 8. *a.* For a boarding kennel, commercial kennel, or public
15 auction, the base amount equals one hundred seventy-five
16 dollars.

17 *b.* A boarding kennel, commercial kennel, or public auction
18 shall not be assessed a scheduled amount.

19 *c.* A single base amount shall be assessed for all locations
20 owned or operated by the boarding kennel, commercial kennel,
21 or public auction.

22 9. *a.* For a dealer, the base amount equals one hundred
23 dollars.

24 *b.* A dealer shall not be assessed a scheduled amount.

25 *c.* A single base amount shall be assessed for all locations
26 owned or operated by the dealer.

27 10. The moneys collected by the department under this
28 section shall be credited to the commercial establishment fund
29 created in section 162.2C.

30 11. The fees provided in this section shall be considered
31 repayment receipts as defined in section 8.2. The general
32 assembly shall appropriate moneys to the department each fiscal
33 year necessary for the administration and enforcement of this
34 chapter.

35 Sec. 10. Section 162.2C, subsection 3, Code 2014, is amended

1 to read as follows:

2 3. Moneys in the fund are appropriated to the department and
3 shall be used exclusively to ~~carry out~~ do all of the following:

4 a. Administer and enforce the provisions of this chapter
5 as determined and directed by the department, and shall not
6 require further special authorization by the general assembly.
7 b. Fully fund the animal rescue remediation fund as provided
8 in section 717B.13. For the fiscal year beginning July 1,
9 2014, and each fiscal year thereafter, the department shall
10 transfer at least twenty thousand dollars from moneys in the
11 commercial establishment fund to the animal rescue remediation
12 fund created in section 717B.13. However, if on March 1 the
13 unobligated and unencumbered balance in the animal rescue
14 remediation fund equals more than sixty thousand dollars, the
15 department shall suspend the transfer for the subsequent fiscal
16 year. If on March 1 of a fiscal year for which the transfer
17 is suspended, the unobligated and unencumbered balance in the
18 animal rescue remediation fund is less than forty thousand
19 dollars, the department shall resume the transfer for the
20 subsequent fiscal year.

21 Sec. 11. Section 162.3, Code 2014, is amended to read as
22 follows:

23 **162.3 Operation of a pound — ~~certificate of registration~~**
24 **license.**

25 A pound shall only operate pursuant to a ~~certificate of~~
26 ~~registration~~ license issued or renewed by the department as
27 provided in section 162.2A. A pound may sell dogs or cats
28 under its control if sales are allowed by the department. The
29 pound shall maintain records as required by the department in
30 order for the department to ensure the pound's compliance with
31 the provisions of this chapter.

32 Sec. 12. Section 162.4, Code 2014, is amended to read as
33 follows:

34 **162.4 Operation of an animal shelter — ~~certificate of~~**
35 **registration license.**

1 An animal shelter shall only operate pursuant to a
2 ~~certificate of registration~~ license issued or renewed by the
3 department as provided in section 162.2A. An animal shelter
4 may sell dogs or cats if sales are allowed by the department.
5 The animal shelter facility shall maintain records as required
6 by the department in order for the department to ensure
7 the animal shelter's compliance with the provisions of this
8 chapter.

9 Sec. 13. Section 162.4A, Code 2014, is amended to read as
10 follows:

11 **162.4A Operation of a research facility — ~~certificate of~~**
12 **~~registration~~ license.**

13 A research facility shall only operate pursuant to a
14 ~~certificate of registration~~ license issued by the department
15 as provided in section 162.2A. The research facility shall
16 maintain records as required by the department in order for
17 the department to ensure the research facility's compliance
18 with the provisions of this chapter. A research facility shall
19 not purchase a dog or cat from a commercial establishment that
20 does not have a valid authorization license issued or renewed
21 under this chapter or a similar authorization license issued or
22 renewed by another state.

23 Sec. 14. Section 162.5, Code 2014, is amended to read as
24 follows:

25 **162.5 Operation of a pet shop — ~~state~~ license.**

26 A pet shop shall only operate pursuant to a ~~state~~ license
27 issued or renewed by the department pursuant to section
28 162.2A. The pet shop shall maintain records as required by the
29 department in order for the department to ensure the pet shop's
30 compliance with the provisions of this chapter. A pet shop
31 shall not purchase a dog or cat from a commercial establishment
32 that does not have a valid authorization license issued or
33 renewed under this chapter or a similar authorization license
34 issued or renewed by another state.

35 Sec. 15. Section 162.5A, Code 2014, is amended to read as

1 follows:

2 **162.5A Operation of a boarding kennel — ~~state~~ license.**

3 A boarding kennel shall only operate pursuant to a ~~state~~
4 license issued by the department as provided in section 162.2A.
5 The boarding kennel shall maintain records as required by
6 the department in order for the department to ensure the
7 boarding kennel's compliance with the provisions of this
8 chapter. A boarding kennel shall not purchase a dog or cat
9 from a commercial establishment that does not have a valid
10 ~~authorization~~ license issued or renewed under this chapter or
11 a similar ~~authorization~~ license issued or renewed by another
12 state.

13 Sec. 16. Section 162.6, Code 2014, is amended to read as
14 follows:

15 **162.6 Operation of a commercial kennel — ~~state~~ license.**

16 A commercial kennel shall only operate pursuant to a ~~state~~
17 license issued or renewed by the department as provided in
18 section 162.2A. A commercial kennel shall maintain records
19 as required by the department in order for the department to
20 ensure the commercial kennel's compliance with the provisions
21 of this chapter. A commercial kennel shall not purchase a
22 dog or cat from a commercial establishment that does not have
23 a valid ~~authorization~~ license issued or renewed under this
24 chapter or a similar ~~authorization~~ license issued or renewed
25 by another state.

26 Sec. 17. Section 162.7, Code 2014, is amended to read as
27 follows:

28 **162.7 Operation of a dealer — ~~state license or permit.~~**

29 A dealer shall only operate pursuant to a ~~state license,~~
30 ~~or a permit,~~ issued or renewed by the department as provided
31 in section 162.2A. A dealer ~~who is a state licensee~~ shall
32 maintain records as required by the department in order for the
33 department to ensure compliance with the provisions of this
34 chapter. ~~A dealer who is a permittee may but is not required~~
35 ~~to maintain records.~~ A dealer shall not purchase a dog or cat

1 from a commercial establishment that does not have a valid
2 ~~authorization~~ license issued or renewed under this chapter or
3 a similar ~~authorization~~ license issued or renewed by another
4 state.

5 Sec. 18. Section 162.8, Code 2014, is amended to read as
6 follows:

7 **162.8 Operation of a commercial breeder — state license or**
8 **permit.**

9 1. A commercial breeder shall only operate pursuant to a
10 ~~state license, or a permit,~~ issued or renewed by the department
11 as provided in section 162.2A. A commercial breeder ~~who is~~
12 ~~a state licensee~~ shall maintain records as required by the
13 department in order for the department to ensure the commercial
14 breeder's compliance with the provisions of this chapter. A
15 ~~commercial breeder who is a permittee may but is not required~~
16 ~~to maintain records.~~ A commercial breeder shall not purchase a
17 dog or cat from a commercial establishment that does not have
18 a valid ~~authorization~~ license issued or renewed under this
19 chapter or a similar ~~authorization~~ license issued or renewed
20 by another state.

21 2. a. The department shall reserve a special type of
22 commercial breeder's license issued or renewed to a person
23 who qualifies as a small breeder, competitive show breeder,
24 or specialized breeder. In order to obtain and maintain the
25 special type of license, all dogs kept by the person during the
26 period of the license must produce no more than three litters
27 or thirty puppies, whichever number is greater.

28 b. A commercial breeder shall not be issued or renewed a
29 special type of commercial breeder's license if any of the
30 following apply:

31 (1) The commercial breeder is issued or renewed a public
32 auction license pursuant to section 162.9A.

33 (2) The commercial breeder owns, keeps, breeds, or
34 transports a greyhound dog for pari-mutuel wagering at a
35 racetrack as provided in chapter 99D.

1 3. a. A commercial breeder shall not own or operate an
2 animal shelter or maintain a controlling interest in an animal
3 shelter.

4 b. Paragraph "a" shall not apply to a commercial breeder
5 whose license is a special type of commercial breeder's license
6 as provided in subsection 2.

7 4. A commercial breeder offering to sell a dog to a person
8 shall provide the person with a copy of the most recent
9 inspection report completed by the department of agriculture
10 and land stewardship or the United States department of
11 agriculture. The report shall include the recorded number of
12 adult dogs on hand. The report must be signed by the person
13 prior to finalizing the sale. One copy of the signed report
14 shall be maintained for one year by the commercial breeder as
15 part of the commercial breeder's records and one copy of the
16 report shall be filed with the department.

17 Sec. 19. Section 162.9A, Code 2014, is amended to read as
18 follows:

19 **162.9A Operation of a public auction — state license or**
20 **permit.**

21 1. A public auction shall only operate pursuant to a ~~state~~
22 ~~license, or a permit,~~ issued or renewed by the department
23 as provided in section 162.2A. A public auction ~~which is~~
24 ~~a state licensee~~ shall maintain records as required by the
25 department in order for the department to ensure the public
26 auction's compliance with the provisions of this chapter. A
27 ~~public auction which is a permittee may but is not required to~~
28 ~~maintain records.~~

29 2. A public auction shall not purchase a dog or cat
30 from a commercial establishment that does not have a valid
31 authorization license issued or renewed under this chapter or
32 a similar authorization license issued or renewed by another
33 state.

34 Sec. 20. NEW SECTION. 162.10 Records.

35 1. A commercial establishment shall maintain all records

1 required in this chapter. The department shall adopt rules
2 regarding the types of records required to be kept and the
3 format for keeping such records.

4 2. A commercial establishment shall maintain inspection
5 reports conducted by the department of agriculture and land
6 stewardship or the United States department of agriculture.
7 A commercial breeder shall maintain a signed copy of an
8 inspection report as required in section 162.8.

9 3. A commercial establishment shall maintain all records
10 necessary to assess a fee imposed for the issuance or renewal
11 of a license pursuant to section 162.2A.

12 Sec. 21. Section 162.10A, Code 2014, is amended to read as
13 follows:

14 **162.10A Commercial establishments — standard of care.**

15 1. *a.* A commercial establishment shall provide for a
16 standard of care that ensures that an animal in its possession
17 or under its control is not lacking any of the following:

18 (1) Adequate feed, adequate water, housing facilities,
19 sanitary control, or grooming practices, if such lack causes
20 adverse health or suffering.

21 (2) Veterinary care.

22 *b.* A commercial establishment, other than a research
23 facility or pet shop, shall provide for the standard of care
24 for dogs and cats in its possession or under its control, and a
25 research facility or pet shop shall provide for the standard
26 of care for ~~vertebrate~~ animals in its possession or under its
27 control.

28 2. A commercial breeder shall provide for the general care
29 of its dogs or cats by providing all of the following:

30 *a.* Access to adequate quantities and quality of food
31 provided at suitable times and according to the dietary
32 requirements of the species and age of the animal in order to
33 maintain a reasonable level of nutrition. The food must be
34 served in a clean receptacle, dish, or container.

35 *b.* Access to a regular supply of clean, fresh, potable water

1 provided in a sanitary manner provided at suitable times and
2 according to the dietary requirements of the species and age of
3 the animal. The water shall not be frozen.

4 c. Protection from extremes in weather conditions.

5 3. A commercial breeder shall only keep dogs or cats in a
6 primary enclosure that complies with all of the following:

7 a. Includes a solid surface area sufficient to allow an
8 animal with sufficient space to rest in a recumbent position.

9 b. On or after the effective date of this Act, shall not be
10 constructed to use wire strand flooring.

11 c. Provides proper ventilation.

12 d. (1) The size of the primary enclosure shall not be less
13 than two times the size for the primary enclosure for that
14 species as required pursuant to 9 C.F.R. §3.6.

15 (2) Subparagraph (1) takes effect January 1, 2015.

16 4. a. A commercial breeder with more than ten breeding
17 dogs on hand shall only keep dogs in a primary enclosure that
18 allows each dog to exercise twelve hours per day by accessing
19 an outdoor run.

20 b. Paragraph "a" does not apply to any of the following:

21 (1) A commercial breeder issued or renewed a special type
22 of commercial breeder's license reserved for small breeders,
23 competitive show breeders, or specialized breeders as provided
24 in section 162.8.

25 (2) A dog less than seven months of age.

26 (3) A dog suffering from physical distress, to the extent
27 that outdoor conditions would not improve the dog's condition.

28 (4) A period when outdoor conditions would cause the dog
29 discomfort or injury.

30 5. A commercial breeder shall provide for the health of its
31 dogs or cats as follows:

32 a. Have all breeding dogs and breeding cats under its
33 possession or control examined at least once each year by a
34 licensed veterinarian.

35 b. Provide for the prompt treatment by a licensed

1 veterinarian of any serious illness or injury suffered by a dog
2 or cat.

3 c. Provide euthanasia when required by a licensed
4 veterinarian.

5 d. Provide its dogs with regular exercise of a type and
6 amount sufficient to comply with an exercise plan that has
7 been approved by a licensed veterinarian, and developed in
8 accordance with rules adopted by the department of agriculture.
9 The exercise plan must afford a dog a maximum opportunity for
10 outdoor exercise as weather permits.

11 ~~2. 6. a. Except as provided in paragraph "b" or "c",~~
12 ~~a commercial establishment shall comply with rules that the~~
13 ~~department adopts to implement subsection 1. A commercial~~
14 ~~establishment shall be regulated under this paragraph "a"~~
15 ~~unless the person is a state licensee as provided in paragraph~~
16 ~~"b" or a permittee as provided in paragraph "c".~~

17 ~~b. A state licensee who is a commercial breeder owning,~~
18 ~~breeding, transporting, or keeping a greyhound dog for~~
19 ~~pari-mutuel wagering at a racetrack as provided in chapter 99D~~
20 ~~may be required to comply with different rules adopted by the~~
21 ~~department in administering and enforcing subsection 1. In~~
22 ~~addition, such a commercial breeder is not required to comply~~
23 ~~with subsections 2 through 5.~~

24 ~~c. A permittee is not required to comply with rules that the~~
25 ~~department adopts to implement a standard of care as provided~~
26 ~~in subsection 1 for state licensees and registrants. The~~
27 ~~department may adopt rules regulating a standard of care for~~
28 ~~a permittee, so long as the rules are not more restrictive~~
29 ~~than required for a permittee under the Animal Welfare Act.~~
30 ~~However, the department may adopt prescriptive rules relating~~
31 ~~to the standard of care. Regardless of whether the department~~
32 ~~adopts such rules, a permittee meets the standard of care~~
33 ~~required in subsection 1 if it voluntarily complies with rules~~
34 ~~applicable to state licensees or registrants. A finding by~~
35 ~~the United States department of agriculture that a permittee~~

1 ~~complies with the Animal Welfare Act is not conclusive when~~
2 ~~determining that the permittee provides a standard of care~~
3 ~~required in subsection 1.~~

4 7. A commercial establishment fails to provide for a
5 standard of care as provided in ~~subsection 1~~ this section if
6 the commercial establishment commits abuse as described in
7 section 717B.2, neglect as described in section 717B.3, or
8 torture as provided in section 717B.3A.

9 Sec. 22. Section 162.10B, Code 2014, is amended to read as
10 follows:

11 **162.10B Commercial establishments — ~~inspecting state~~**
12 **~~licensees and registrants~~ inspections.**

13 1. As a condition of issuing or renewing a license, the
14 premises of an applicant shall be open for inspection during
15 normal business hours.

16 2. The department shall conduct at least an annual
17 inspection of a commercial establishment. The department ~~may~~
18 shall inspect the commercial establishment ~~of a registrant or~~
19 ~~state licensee~~ by entering onto its business premises at any
20 time during normal ~~working~~ business hours. The department ~~may~~
21 shall inspect records required to be maintained by the ~~state~~
22 ~~licensee or registrant~~ commercial establishment as provided
23 in this chapter. If the owner or person in charge of the
24 commercial establishment refuses admittance, the department may
25 obtain an administrative search warrant issued under section
26 808.14. The department shall report a potential violation of
27 chapter 717B to the local authority which has jurisdiction over
28 the matter.

29 3. A person who has been issued a special type of commercial
30 breeder's license reserved for small breeders, competitive show
31 breeders, or specialized breeders as provided in section 162.8
32 is exempt from the inspection requirements of this section for
33 the period of that license as follows:

34 a. The person is partially exempt from inspection
35 requirements without further action. The department shall

1 only inspect the person's commercial establishment at a time
2 agreed to by the person and the department. However, this
3 paragraph does not apply if the department determines any of
4 the following applies:

5 (1) The person is obstructing an inspection.

6 (2) One or more dogs kept by the person are in immediate
7 need of care.

8 b. The person is fully exempt from inspection requirements,
9 by submitting evidence to the department that each dog kept by
10 the person complies with all of the following:

11 (1) Has been examined by a licensed veterinarian within the
12 twelve months prior to applying for the issuance or renewal of
13 the special type of commercial breeder's license.

14 (2) Received all vaccinations as prescribed by the
15 department based on recommendations of the American veterinary
16 medical association or American animal hospital association.

17 Sec. 23. Section 162.10D, subsections 1 and 2, Code 2014,
18 are amended to read as follows:

19 1. a. The department may take disciplinary action against
20 a person by suspending or revoking the person's authorization
21 license for violating a provision of this chapter or chapter
22 717B, or against a person who commits an unlawful practice
23 under section 714.16.

24 b. The department may suspend or revoke the special type
25 of commercial breeder's license reserved for small breeders,
26 competitive show breeders, or specialized breeders issued or
27 renewed under section 162.8, subsection 2, without suspending
28 or revoking the commercial breeder's license generally issued
29 or renewed under section 162.8, subsection 1.

30 c. The department may take disciplinary action as it applies
31 to one or more locations owned or operated by a person without
32 taking the same or any disciplinary action as it applies to
33 another location owned or operated by such person.

34 2. The department may require an owner, operator, or
35 employee of a commercial establishment subject to disciplinary

1 action under subsection 1 to complete a continuing education
2 program as a condition for retaining ~~an authorization~~
3 a license. This section does not prevent a person from
4 voluntarily participating in a continuing education program.
5 However, a voluntary continuing education program completed
6 prior to the department's disciplinary action shall not be part
7 of such disciplinary action.

8 Sec. 24. Section 162.11, Code 2014, is amended to read as
9 follows:

10 **162.11 Exceptions.**

11 ~~1. This chapter does not apply to a federal licensee except~~
12 ~~as provided in the following:~~

13 ~~a. Section 162.1, subsection 2, and sections 162.2, 162.2A,~~
14 ~~162.2B, 162.7, 162.8, 162.9A, 162.10A, 162.10C, 162.10D,~~
15 ~~162.12A, and 162.13.~~

16 ~~b. Section 162.1, subsection 1, but only to the extent~~
17 ~~required to implement sections described in paragraph "a".~~

18 ~~c. Section 162.16 but only to the extent required to~~
19 ~~implement sections described in paragraph "a".~~

20 ~~2. 1.~~ This chapter does not apply to a place or
21 establishment which operates under the immediate supervision
22 of a duly licensed veterinarian as a hospital where animals
23 are harbored, hospitalized, and cared for incidental to the
24 treatment, prevention, or alleviation of disease processes
25 during the routine practice of the profession of veterinary
26 medicine. However, if animals are accepted by such a place,
27 establishment, or hospital for boarding or grooming for a
28 consideration, the place, establishment, or hospital is subject
29 to the licensing ~~or registration~~ requirements applicable to a
30 boarding kennel or commercial kennel under this chapter and the
31 rules adopted by the secretary.

32 ~~3. 2.~~ This chapter does not apply to a noncommercial kennel
33 at, in, or adjoining a private residence where dogs or cats are
34 kept, ~~for the hobby of the householder,~~ if the dogs or cats
35 are used for hunting, for practice training, for exhibition

1 at shows or field or obedience trials, or for guarding or
2 protecting the householder's property. However, the dogs
3 or cats must not be kept for breeding if a person receives
4 consideration for providing the breeding.

5 Sec. 25. Section 162.12, Code 2014, is amended by striking
6 the section and inserting in lieu thereof the following:

7 **162.12 Departmental action.**

8 1. The department may take administrative action against a
9 commercial establishment if the department finds the housing
10 facilities or primary enclosures are inadequate under the
11 provisions of this chapter or if the feeding, watering,
12 cleaning, and housing practices are not in compliance with this
13 chapter or with the rules adopted pursuant to this chapter.

14 2. The premises of each licensee shall be subject to
15 inspection as provided in section 162.10B.

16 3. A person may contest an agency action taken by the
17 department under this chapter, including rules adopted by the
18 department under this chapter, pursuant to chapter 17A.

19 Sec. 26. Section 162.12A, subsection 1, paragraph a, Code
20 2014, is amended to read as follows:

21 a. A commercial establishment that operates pursuant to ~~an~~
22 ~~authorization~~ a license issued or renewed under this chapter
23 is subject to a civil penalty of not more than five hundred
24 dollars, regardless of the number of animals possessed or
25 controlled by the commercial establishment, for violating this
26 chapter. Except as provided in paragraph "b", each day that a
27 violation continues shall be deemed a separate offense.

28 Sec. 27. Section 162.12A, subsection 2, Code 2014, is
29 amended to read as follows:

30 2. A commercial establishment that does not operate
31 pursuant to ~~an authorization~~ a license issued or renewed under
32 this chapter is subject to a civil penalty of not more than one
33 thousand dollars, regardless of the number of animals possessed
34 or controlled by the commercial establishment, for violating
35 this chapter. Each day that a violation continues shall be

1 deemed a separate offense.

2 Sec. 28. Section 162.13, Code 2014, is amended to read as
3 follows:

4 **162.13 Criminal penalties — confiscation.**

5 1. A person who operates a commercial establishment without
6 ~~an authorization~~ a license issued or renewed by the department
7 as required in section 162.2A is guilty of a simple misdemeanor
8 and each day of operation is a separate offense.

9 2. The failure of a person who owns or operates a commercial
10 establishment to meet the standard of care required in section
11 162.10A, subsection 1, is a simple misdemeanor. The animals
12 are subject to seizure and impoundment and may be sold or
13 destroyed as provided by rules which shall be adopted by the
14 department pursuant to chapter 17A or by a local authority
15 pursuant to chapter 717B. The department's rules shall provide
16 for the destruction of an animal by ~~a humane method, including~~
17 ~~by euthanasia~~ as provided by rules which shall be adopted by
18 the department pursuant to chapter 17A.

19 3. The failure of a person who owns or operates a commercial
20 establishment to meet the requirements of this section is
21 also cause for the suspension or revocation of the person's
22 ~~authorization~~ license as provided in section 162.10D.

23 4. Dogs, cats, and other ~~vertebrate~~ animals upon which
24 euthanasia is permitted by law may be destroyed by a person
25 subject to this chapter or chapter 169, by ~~a humane method,~~
26 ~~including~~ euthanasia, as provided by rules which shall be
27 adopted by the department pursuant to chapter 17A.

28 5. ~~It is unlawful for a~~ A dealer to ~~to~~ shall not knowingly
29 ship a diseased animal. A dealer violating this subsection
30 is subject to a fine not exceeding one hundred dollars. Each
31 diseased animal shipped in violation of this subsection is a
32 separate offense.

33 Sec. 29. NEW SECTION. **162.13A Criminal actions.**

34 The attorney general or a county attorney may bring criminal
35 action in order to enforce the provisions of this chapter.

1 Sec. 30. NEW SECTION. 162.13B Penalties — injunctive
2 relief.

3 The courts of this state may prevent and restrain violations
4 of this chapter through the issuance of an injunction. The
5 attorney general or a county attorney shall institute suits on
6 behalf of the state to prevent and restrain violations of this
7 chapter.

8 Sec. 31. Section 162.20, subsection 4, paragraph c, Code
9 2014, is amended to read as follows:

10 c. A pound or animal shelter which knowingly fails to
11 provide for the sterilization of a dog or cat is subject to a
12 civil penalty of up to two hundred dollars. The department
13 may enforce and collect civil penalties according to rules
14 which shall be adopted by the department. Each violation shall
15 constitute a separate offense. Moneys collected from civil
16 penalties shall be deposited into the general fund of the state
17 and are appropriated on July 1 of each year in equal amounts
18 to each track licensed to race dogs to support the racing dog
19 adoption program as provided in section 99D.27. Upon the third
20 offense, the department may suspend or revoke a ~~certificate~~
21 ~~of registration~~ license issued to the pound or animal shelter
22 pursuant to this chapter. The department may bring an action
23 in district court to enjoin a pound or animal shelter from
24 transferring animals in violation of this section. In bringing
25 the action, the department shall not be required to allege
26 facts necessary to show, or tending to show, a lack of adequate
27 remedy at law, that irreparable damage or loss will result
28 if the action is brought at law, or that unique or special
29 circumstances exist.

30 Sec. 32. Section 717B.1, Code 2014, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 3A. "*Commercial establishment*" means the
33 same as defined in section 162.2.

34 Sec. 33. Section 717B.4, subsection 3, paragraph a, Code
35 2014, is amended to read as follows:

1 *a.* The court may order the responsible party to pay an
2 amount which shall not be more than the dispositional expenses
3 incurred by the local authority. The court may also award
4 the local authority court costs, reasonable attorney fees and
5 expenses related to the investigation and prosecution of the
6 case, which shall be taxed as part of the costs of the action.
7 The amount shall be paid to the animal rescue remediation fund
8 created in section 717B.13 to the extent that moneys from the
9 fund were expended to pay for dispositional expenses.

10 Sec. 34. Section 717B.5, Code 2014, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 3A. The local authority may apply to the
13 department for reimbursement of expenses incurred by the local
14 authority in providing for the maintenance of the animal.

15 Sec. 35. NEW SECTION. **717B.13 Animal rescue remediation**
16 **fund.**

17 1. An animal rescue remediation fund is created as a
18 separate fund in the state treasury under the control of the
19 department of agriculture and land stewardship. The general
20 fund of the state is not liable for claims presented against
21 the fund.

22 2. The fund consists of moneys appropriated to the fund,
23 moneys transferred from the commercial establishment fund as
24 provided in section 162.2C, sums collected on behalf of the
25 fund through legal action or settlement, or moneys contributed
26 to the fund from other sources.

27 3. The moneys in the fund are appropriated to the department
28 to reimburse a local authority for expenses incurred for the
29 rescuing of an animal from a commercial establishment as
30 provided in section 717B.5, for the maintenance of an animal
31 as provided in section 717B.5, and for the disposition of an
32 animal as provided in section 717B.4.

33 4. The department shall utilize moneys from the fund only to
34 the extent that the department determines that expenses cannot
35 be timely paid by utilizing the available provisions of section

1 717B.4.

2 5. The department shall provide payment to a local authority
3 upon a claim submitted by the local authority to the department
4 according to procedures required by the department. Upon
5 a determination that the claim is eligible for payment,
6 the department shall reimburse the local authority for that
7 amount. However, if the department determines that only
8 a portion of the claim is eligible, the department shall
9 only pay the eligible portion. If the department determines
10 that insufficient moneys are available to make payment of
11 all claims, the department may defer paying all or part of
12 specified claims. The department shall hold deferred claims
13 for payment when the department determines that the fund again
14 contains sufficient moneys.

15 6. Moneys in the fund shall not be subject to appropriation
16 or expenditure for any other purpose than provided in this
17 section and section 162.2C.

18 7. Notwithstanding section 12C.7, interest earned on
19 amounts deposited in the fund shall be credited to the fund.
20 Notwithstanding section 8.33, any unexpended or unencumbered
21 moneys remaining in the fund at the end of the fiscal year
22 shall not revert to the general fund of the state, but the
23 moneys shall remain available for expenditure by the authority
24 in succeeding fiscal years.

25 Sec. 36. CERTIFICATE OF REGISTRATION. A certificate of
26 registration issued by the department under section 162.2A
27 prior to the effective date of this Act shall remain valid
28 until it expires according to its terms when issued.

29 Sec. 37. REPEAL. Section 162.10C, Code 2014, is repealed.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 CURRENT LAW — GENERAL. Code chapter 162 provides for the
34 regulation of commercial establishments that possess or control
35 animals, other than animals used for an agricultural purpose

1 (Code section 162.1), by the department of agriculture and land
2 stewardship (DALs). This includes animal shelters, pounds, or
3 research facilities which are required to obtain a certificate
4 of registration; a boarding kennel, commercial kennel, or pet
5 shop required to obtain a state license; and a commercial
6 breeder, dealer, or public auction required to obtain either
7 a state license or a permit if licensed by the United States
8 department of agriculture (USDA). A permit, state license, or
9 certificate of registration is referred to as an authorization
10 (Code section 162.2A).

11 CURRENT LAW — FINANCES. A commercial establishment must
12 pay a fee for obtaining or renewing an authorization. The fee
13 for the issuance or renewal of a certificate of registration is
14 \$75 and the fee for the issuance or renewal of a state license
15 or permit is \$175, except for a commercial breeder who keeps
16 greyhounds for racing who is subject to a separate fee (Code
17 section 162.2B). The fees are deposited into a commercial
18 establishment fund dedicated for use by DALs in administering
19 the Code chapter (Code section 162.2C).

20 CURRENT LAW — INSPECTIONS AND RECORDS. Generally,
21 different requirements apply to permittees, including
22 inspection requirements. DALs may inspect the commercial
23 establishment of a registrant or state licensee by entering
24 onto its business premises at any time during normal working
25 hours (Code section 162.10B). Alternatively, the department
26 monitors a permittee to determine whether the permittee is
27 complying with required standard of care requirements (Code
28 section 162.10C). A registrant or state licensee must maintain
29 records.

30 CURRENT LAW — STANDARD OF CARE. A commercial establishment
31 must operate by providing a standard of care to its animals.
32 The commercial establishment must ensure that an animal in its
33 possession or under its control is not lacking adequate feed,
34 adequate water, housing facilities, sanitary control, grooming
35 practices affecting the health of the animal, and veterinary

1 care (Code section 162.10A). A registrant or state licensee
2 must comply with DALs' rules, with one exception. DALs may
3 adopt different rules that apply to state licensees who keep
4 greyhounds for racing.

5 CURRENT LAW — DISCIPLINARY ACTIONS. DALs may take
6 disciplinary action against a commercial establishment
7 by suspending or revoking the commercial establishment's
8 authorization. DALs may require that an owner, operator, or
9 employee of a commercial establishment complete a continuing
10 education program (Code section 162.10D).

11 CURRENT LAW — CRIMINAL PENALTIES AND SEIZURE. A person who
12 operates a commercial establishment without an authorization
13 or who fails to meet a standard of care is guilty of a simple
14 misdemeanor. The department may provide for the animals'
15 seizure and impoundment and they may be sold or destroyed
16 (Code section 162.13). A simple misdemeanor is punishable by
17 confinement for no more than 30 days or a fine of at least \$65
18 but not more than \$625, or by both.

19 BILL'S PROVISIONS — LICENSING. The bill requires all
20 commercial establishments to obtain a license. It replaces
21 the term "state license" with "license". It provides that a
22 commercial kennel does not include a kennel in which a dog or
23 cat remains in the custody of the owner or the dog or cat. The
24 bill creates a special type of commercial breeder's license
25 reserved for a small breeder, competitive show breeder, or
26 specialized breeder.

27 BILL'S PROVISIONS — FEES. The bill replaces the current
28 fee assessed on commercial establishments with a system
29 consisting of a base amount which depends on the type of
30 commercial establishment obtaining a license. A single
31 base amount is imposed on an animal shelter, pound, research
32 facility, commercial breeder holding a special type of license,
33 boarding kennel, commercial kennel, public auction, and dealer,
34 regardless of locations owned or operated by the commercial
35 establishment. A base amount is imposed on each location owned

1 or operated by any other commercial breeder or a pet shop. A
2 scheduled amount applies to a commercial breeder, other than a
3 commercial breeder who holds a special type of license reserved
4 for a small breeder, competitive show breeder, or specialized
5 breeder. A separate scheduled amount applies to a pet shop.
6 The scheduled amount is computed according to a formula which
7 increases the amount due based on the number of dogs or cats
8 kept on hand by the commercial establishment. In the case of
9 a commercial breeder, the fee is based on the total number of
10 dogs or cats used for breeding. In the case of a pet shop, the
11 fee is based on the number of dogs or cats kept.

12 BILL'S PROVISIONS — FUNDS. The moneys from fees are still
13 deposited into the commercial establishment fund. However, up
14 to \$20,000 a year is to be transferred to a new animal rescue
15 remediation fund also under the control of DALs. The purpose
16 of this fund is to reimburse a city or county, referred to as
17 a local authority (Code section 717B.1), when rescuing and
18 maintaining a threatened animal (Code section 717B.5) from a
19 commercial establishment or disposing of such animal pursuant
20 to court order (Code section 717B.4). DALs may suspend the
21 transfer or resume a transfer based on the balance in the
22 animal rescue remediation fund.

23 BILL'S PROVISIONS — INSPECTIONS AND RECORDS. The bill
24 provides for inspections of commercial establishments. One
25 exception applies to a commercial breeder holding the special
26 type of license reserved for a small breeder, competitive show
27 breeder, or specialized breeder. The bill also provides that
28 any commercial breeder offering to sell a dog to a person must
29 provide the person with a copy of the last inspection report
30 completed by DALs or USDA. The bill requires a commercial
31 establishment to maintain all records required for the
32 administration and enforcement of the Code chapter.

33 BILL'S PROVISIONS — STANDARD OF CARE FOR ANIMALS KEPT BY
34 COMMERCIAL BREEDERS. The bill provides a general standard of
35 care for a commercial breeder, including access to food and a

1 regular supply of clean water, and protection from extremes in
2 weather conditions. It regulates the health of a dog or cat
3 kept by a commercial breeder, including by requiring minimum
4 cage size and construction specifications. The commercial
5 breeder with more than 10 breeding dogs at hand must also
6 provide a dog with access to an outdoor run. An exception
7 applies to a commercial breeder issued a special type of
8 license, dog of a certain age or suffering from physical
9 distress, or during severe weather conditions. The bill also
10 requires certain health requirements, including veterinary
11 care. An exception applies to a commercial breeder keeping
12 greyhounds used for pari-mutuel racing.

13 BILL'S PROVISIONS — DISCIPLINARY ACTION. The bill provides
14 that any continuing education program voluntarily undertaken
15 by a person operating a commercial establishment prior to a
16 disciplinary action is not considered part of such action.

17 CRIMINAL AND CIVIL ACTIONS. The bill provides that the
18 attorney general or a county attorney may bring a criminal
19 action in order to enforce the provisions of the Code
20 chapter. It also provides that courts may prevent and
21 restrain violations of the Code chapter through the issuance of
22 injunctions. The attorney general or a county attorney shall
23 institute suits on behalf of the state to prevent and restrain
24 such violations.